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SUBJECT: LIFE IN PRISON FOR "SUITCASE BOMBER" IN LANDMARK DECISION

REF: A) 07 DUSSELDORF 38 B) 07 DUSSELDORF 34 C) 07 DUSSELDORF 30

11. (SBU) Summary: In a landmark December 9 decision, the Duesseldorf Higher Regional Court sentenced Youssef Mohamad El-Hajdib, aka the 'suitcase bomber' of Cologne, to life imprisonment for attempted murder in an undetermined number of cases in connection with a failed terrorist attack on two commuter trains in Cologne in July 2006. This is the first time that a court in Germany has issued a life sentence in an Islamist terrorism case. Agreeing with the Prosecution, the court found El-Hajdib guilty of having planned with an accomplice to kill as many 'infidels' as possible in retaliation for the publication of the Mohammed caricatures in the Danish and German press. The Defense announced it would appeal the verdict. End Summary.

12. (U) Almost exactly one year after it began (Ref A), the trial against Lebanese national Youssef Mohamad El-Hajdib (24) ended before the Duesseldorf Higher Regional Court on December 9 with his conviction and life imprisonment sentence. Judge Ottmar Breidling, widely recognized as one of Germany's most experienced judges in terrorism-related cases (Refs B and C), presided over the trial at a specially designed high security court house. The five-member panel of judges under Breidling found El-Hajdib, a former engineering student at the University of Kiel, guilty of having conspired with his Lebanese compatriot Jihad Hamad (22), a Cologne resident at the time, to execute a terrorist bomb attack on the German train system in retaliation for the previous publication of Mohammed caricatures in the Danish and other European press.

13. (U) Following the pronouncement of the verdict, Breidling presented a detailed account of the reasons for the judgment. Pointing out that Germany 'has never been closer to a deadly Islamist terrorist attack' than in this case, he made clear that the court was convinced that Hajdib and his accomplice, who is currently serving a 12-year prison term in Lebanon for his involvement in the plot, intended to kill as many 'infidels' as possible by placing two suitcases containing IEDs and incendiary material on two different commuter trains at the Cologne Central Station on July 31, 2006. The bombs were to detonate simultaneously, but did not go off due to faulty construction. Experts said that a detonation would have caused a major shock wave and fireball that could have killed dozens of people, similar to the terrorist attacks on trains in Madrid and London, Breidling said. He rejected as 'false' claims by Hajdib and the Defense that the IEDs were dummies never meant to go off and that they were only to serve as a 'warning signal' to the German public in connection with the Mohammed caricatures. On these grounds, the Defense had pleaded for acquittal. Immediately after the verdict, Hajdib's defense counsels announced they

would appeal the December 9 decision with Germany's highest appellate court, the Federal Court of Justice (BGH) in Karlsruhe.

Comment

¶4. (SBU) This high profile case marks the first time in an Islamist terrorist trial in Germany where the charges were attempted murder and where the defendant received a life sentence. The verdict and sentence were clearly designed to send a strong signal that Germany, through this court, takes terrorism cases very seriously. Although the evidence was clear and overwhelming, the trial took much longer than expected, largely due to delaying tactics by the Defense and the slow and hesitant responses by Lebanese law enforcement authorities to requests for legal assistance (there is no legal assistance agreement between Germany and Lebanon). In his oral remarks, Presiding Judge Breidling called the procedural maneuvers by the Defense a reason to reform German criminal procedure. He also observed that video surveillance, while often viewed critically in German society, played a critical role in resolving this case. None of Breidling's judgments in terrorism cases has yet been overturned by the Karlsruhe court. It remains to be seen whether this will also hold true for this verdict, with the maximum sentence possible under the German legal system.

¶5. (U) This message was coordinated with Embassy Berlin.

BOYSE